

EXHIBIT D



United States Department of State

Washington, D.C. 20520

March 5, 2025

Tammi M. Hellwig
Clerk of the Court
United States District Court
For the Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *Patricia Fennelly, et al. v. Islamic Republic of Iran*, 1:23-cv-10824-UA

Dear Ms. Hellwig:

In a letter dated November 22, 2024, a copy of which is enclosed, our office wrote to the Clerk of Court regarding the Court's request for transmittal of a Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), Related Case Statement, and Notice of Suit to the Islamic Republic of Iran pursuant to 28 U.S.C. Section 1608(a)(4) as a defendant in the above-referenced lawsuit. Enclosed with that letter was a certified copy of a diplomatic note used to transmit the requested documents.

After reviewing our records, we noticed that the letter, certified diplomatic note, and the accompanying documents were inadvertently mailed to the incorrect courthouse. Therefore, our office is enclosing another certified copy of the diplomatic note.¹

Please note that because the United States does not maintain diplomatic relations with the Government of Iran, the Department of State is assisted by the

¹ Please note that performance by the Department of State of its statutory functions under 28 U.S.C. § 1608 should not be construed as an indication in any way of the United States' position or views on whether plaintiffs have properly complied with all statutory requirements of the FSIA, the status or character of a defendant, whether service was properly effected, or the merits of any claims or defenses. *See* <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/international-judicial-asst/Service-of-Process/Foreign-Sovereign-Immunities-Act.html>.

Foreign Interests Section of the Embassy of Switzerland in Tehran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic note No. 1103-IE, dated September 22, 2024 and delivered on October 1, 2024.

Should the Clerk's office have any questions or require any additional assistance in this matter, please do not hesitate to contact our office at FSIA-LR@state.gov.

Sincerely,



Jared N. Hess
Attorney Adviser
Office of the Legal Adviser
L/CA/POG/GC

Cc: Jerry Goldman
ANDERSON KILL P.C.
1251 Avenue of the Americas
New York, NY 10020



United States Department of State

Washington, D.C. 20520

CERTIFICATION OF DIPLOMATIC NOTE

TO WHOM IT MAY CONCERN:

I, Elizabeth Gracon, Acting Deputy Assistant Secretary of the Directorate of Overseas Citizens Services, Bureau of Consular Affairs, United States Department of State certify that as Acting Deputy Assistant in the Directorate of Overseas Citizens Services, I am authorized to search and examine Overseas Citizens Services Records.

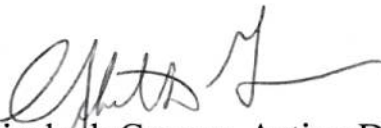
I further certify that: 1) the records attached hereto and listed below, are true and faithful copies of records in the custody of the United States Department of State; 2) I am authorized to certify these files, and 3) the record attached to this certificate was:

- A. made at or near the time of the occurrence of the matters set forth therein, by a person with knowledge of the information provided therein;
- B. kept in the course of regularly conducted activity under the authority of the Secretary of State; and,
- C. made during the regularly conducted activity as a regular practice under the authority of the Secretary of State.
 - 1. Embassy of the United States of America in Bern, Switzerland diplomatic note CONS NO: 28330, dated August 23, 2024, with Specific Authentication Certificate from the Embassy of the United States of America in Bern, Switzerland dated October 17, 2024;
 - 2. Swiss Federal Department of Foreign Affairs diplomatic note No. K.346-01-02-01-USA/IRAN, dated October 10, 2024, with Specific Authentication Certificate from the Embassy of the United States of America in Bern, Switzerland dated October 17, 2024; and
 - 3. Foreign Interests Section of the Embassy of Switzerland in Tehran diplomatic note No. 1103-IE, dated September 22, 2024, and delivered on October 1, 2024, to the Iranian Ministry of Foreign Affairs with Specific Authentication Certificate from the Embassy of the United States of America in Bern, Switzerland dated October 17, 2024.

I further state that this certification is intended to satisfy the following provisions:

- Rule 44, Federal Rules of Civil Procedure
- Rule 27, Federal Rules of Criminal Procedure
- Rule 902, Federal Rules of Evidence, under Title 28, United States Code Annotated

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Gracon', with a stylized flourish extending to the right.

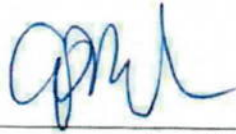
Elizabeth Gracon, Acting Deputy Assistant
Directorate of Overseas Citizens Services
Bureau of Consular Affairs
U.S. Department of State

Date: March 4, 2025

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

Anson P. McLellan, a consular officer at the Embassy of the United States at Bern, Switzerland, certify that this is a true copy of Embassy note number 28330 dated August 28, 2024, which was transmitted to the Swiss Ministry of Foreign Affairs on August 28, 2024, for further transmission to the American Interests Section of the Swiss Embassy in Tehran, Iran.



(Signature of Consular Officer)

Anson P. McLELLAN
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

October 17, 2024
(Date)





Embassy of the United States of America

August 23, 2024

CONS NO. 28330

Federal Department of Foreign Affairs
Foreign Interests Section
Kochergasse 10
Federal Palace North
Office #4.001
3003 Bern

Subject: JUDICIAL ASSISTANCE: Service of process under the Foreign Sovereign Immunities Act (FSIA) – Patricia Fennelly, et al. v. Islamic Republic of Iran, 1:23-cv-10824-UA

REF: ----

The Department of State has requested the delivery of the enclosed Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), Related Case Statement, and Notice of Suit to the Ministry of Foreign Affairs of the Islamic Republic of Iran pursuant to the Foreign Sovereign Immunities Act in the matter Patricia Fennelly, et al. v. Islamic Republic of Iran, 1:23-cv-10824-UA.

The Embassy is herewith requesting the Swiss Ministry of Foreign Affairs to transmit the documents to the American Interests Section of the Swiss Embassy in Tehran. There is one defendant to be served in this case: the Islamic Republic of Iran. The American Interests Section should transmit the Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), Related Case Statement, and Notice of Suit to the Iranian Ministry of Foreign Affairs under cover of one diplomatic note utilizing the language provided in the enclosed instructions.

Transmittal should be done in a manner which enables the Embassy to confirm delivery. The American Interests Section should execute certifications of the diplomatic notes, which will be forwarded by the Department of State to the requesting court in the United States.

Enclosed is one appropriate part of a message the Embassy received from the Department of State as well two sets of documents for each defendant.

The Embassy would appreciate being informed of the date the American Interests Section of the Swiss Embassy in Tehran receives the documents as well as the date the Interests Section forwards the documents to the Iranian authorities.

SPP's assistance is much appreciated.



BEGIN TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT Islamic Republic of Iran:

The Embassy of Switzerland, Foreign Interests Section in Tehran refers the Ministry of Foreign Affairs of the Islamic Republic of Iran to the lawsuit *Patricia Fennelly, et al. v. Islamic Republic of Iran*, 1:23-cv-10824-UA, which is pending in the U.S. District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Foreign Interests Section transmits a Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), and Related Case Statement herewith. The U.S. District Court for the Southern District of New York has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4).

Under applicable U.S. law a defendant in a lawsuit must file an answer to the Complaint or some other responsive pleading within 60 days of the date of transmittal of the Complaint, in this case the date of this note. Failing to do so, a defendant risks the possibility of having judgment entered against it without the opportunity to present arguments or evidence on its behalf. Therefore, the Foreign Interests Section requests that the enclosed Summons and Complaint be forwarded to the appropriate authority of the Islamic Republic of Iran with a view towards taking whatever steps are necessary to avoid a default judgment.

In addition to the documents listed above, the Foreign Interests Section is enclosing a Notice of Suit, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States.

The Foreign Interests Section has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

Attachments:

1. Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), Related Case Statement, and Notice of Suit
2. Translations

END TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT Islamic Republic of Iran

SPECIFIC AUTHENTICATION CERTIFICATE

(Federation of Switzerland)
(, Canton of Bern) SS:
(assy of the United States of America)

certify that the annexed document bears the genuine seal of the Swiss Federal
 Department of Foreign Affairs.

certify under penalty of perjury under the laws of the United States that the foregoing
 is true and correct.



(Signature of Consular Officer)

Anson P. McLELLAN
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

October 17, 2024
(Date)





Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

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K. 346-01-02-01-USA/IRAN

The Federal Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and refers to Cons Note No. 28330 dated August 23, 2024 regarding judicial assistance and has the honor to convey following documents of the U.S. Interests Section of the Embassy of Switzerland in Tehran:

Judicial Assistance:

Patricia Fennelly et al. v. Islamic Republic of Iran, 1:23-cv-10824-UA

- Note 1103-IE addressed to the Government of the Islamic Republic of Iran

dated September 22, 2024 and proof of service, dated October 01, 2024 as well as the certification by the Swiss Federal Chancellery dated October 10, 2024.

The section has received the above-mentioned documents on September 10, 2024. It has transmitted these to the Iranian Ministry of Foreign Affairs together with its diplomatic note on October 01, 2024. The reception of the mentioned documents was refused the same day by the Iranian Ministry of Foreign Affairs.

The Federal Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of United States of America the assurances of its highest consideration.

Berne, October 10, 2024

Enclosure(s) mentioned



To the
Embassy of the
United States of America

Berne

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document is executed by the genuine signature and seal of the following named official who, in an official capacity, is empowered by the laws of Switzerland to execute that document.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Gaëlle CAFARO-VULLIERAT

(Typed name of Official who executed the annexed document)



(Signature of Consular Officer)

Anson P. McLELLAN

(Typed name of Consular Officer)

Consul of the United States of America

(Title of Consular Officer)

October 17, 2024

(Date)





Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embassy of Switzerland in Iran
Foreign Interests Section

No. 1103-IE

The Embassy of Switzerland, Foreign Interests Section in Tehran, presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Iran, and has the honor to refer the Ministry to the lawsuit *Patricia Fennelly, et al. v. Islamic Republic of Iran*, 1:23-cv-10824-UA, which is pending in the United States District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Embassy transmits a Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), and Related Case Statement herewith. The U.S. District Court for the Southern District of New York has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4).

Under applicable U.S. law, a defendant in a lawsuit must file an answer to the Complaint or some other responsive pleading within 60 days of the date of transmittal of the Complaint, in this case the date of this note. Failing to do so, a defendant risks the possibility of having judgment entered against it without the opportunity to present arguments or evidence on its behalf. Therefore, the Embassy requests that the enclosed Summons and Complaint be forwarded to the appropriate authority of the Islamic Republic of Iran with a view towards taking whatever steps are necessary to avoid a default judgment.

In addition to the documents listed above, the Embassy is enclosing a Notice of Suit, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States.

The Embassy has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

The Embassy of Switzerland, Foreign Interests Section, avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Islamic Republic of Iran the assurances of its highest consideration.

Tehran – September 22, 2024




Attachments

1. Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), Related Case Statement, and Notice of Suit
2. Translations

**Ministry of Foreign Affairs
Islamic Republic of Iran
Department of American Affairs
Tehran**

I, Dominique Baeriswyl, Head of the Foreign Interests Section of the Embassy of Switzerland in Iran, certify herewith that this is a true copy of Diplomatic Note No. 1103-IE, dated September 22, 2024. The delivery of this note and its enclosures was attempted on October 01, 2024, but the Iranian Ministry of Foreign Affairs refused its acceptance.


Dominique Baeriswyl
Head of the Foreign Interests Section

Tehran – October 01, 2024



APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Country: SWISS CONFEDERATION

This public document

2. has been signed by Dominique Baeriswyl

3. acting in the capacity of Head of the Foreign Interests Section

4. bears the seal/stamp of

EMBASSY OF SWITZERLAND U.S. INTERESTS SECTION

TEHRAN

Certified

5. at Berne

6. the 10 October 2024

7. by Gaëlle Cafaro-Vullierat
functionary of the Swiss federal Chancellery

8. No 023657

9. Seal/stamp:

Swiss federal Chancellery

10. Signature:



ترجمه غیر رسمی

سفارت سوئیس
قسمت حافظ منافع خارجی

شماره IE-1103

سفارت سوئیس، قسمت حافظ منافع خارجی در تهران، ضمن اظهار تعارفات خود به وزارت امور خارجه جمهوری اسلامی ایران، احتراماً توجه آن وزارتخانه محترم را به دعوی حقوقی تحت عنوان پاتریشیا فنلی و دیگران علیه جمهوری اسلامی ایران، تحت پرونده مدنی شماره 1:23-cv-10824-UA که در دادگاه منطقه ای ایالات متحده برای ناحیه جنوب نیو یورک مفتوح میباشد، جلب می نماید. جمهوری اسلامی ایران طرف خوانده در این پرونده می باشد. سفارت سوئیس بنا به درخواست دادگاه منطقه ای ایالات متحده برای ناحیه جنوب نیو یورک، یک فقره احضاریه، شکایت، اطلاعیه برای انطباق با شکایت اصلاح شده تلفیقی سودان یا شکایت اصلاح شده اشتون سودان، اطلاعیه برای مطابقت با شکایت اصلاح شده تلفیقی، برگه جلد درخواست مدنی، نامه به دادگاه (پرونده الکترونیکی شماره ۵) و اظهارات پرونده های مرتبط را ایفا می دارد. برابر مقررات فصل 28 بخش 1608 بند (الف)(4) مجموعه قوانین ایالات متحده، این یادداشت به منزله ابلاغ مدارک مذکور به دولت جمهوری اسلامی ایران تلقی می گردد.

طبق قوانین قابل اجرا ایالات متحده، خوانده یک پرونده می بایست ظرف ۶۰ روز از تاریخ ابلاغ شکایت، در این مورد تاریخ یادداشت، پاسخی به شکایت یا دیگر پاسخی دفاعی در پرونده بگذارد. در غیر اینصورت، ممکن است حکمی بر ضد خوانده صادر گردد بدون آنکه خوانده فرصت ارائه شواهد و دفاعیه از طرف خود را داشته باشد. لذا، سفارت در خواست می نماید که احضاریه و شکایت ضمیمه، با این دید که اقدامات لازم جهت جلوگیری از حکم قصور انجام شود، برای مقامات مربوطه ایرانی ارسال گردد.

سفارت علاوه بر مدارک فوق الذکر، اطلاعیه اقامه دعوی که توسط شاکی دادر بر خلاصه ماهیت پرونده و مشتمل بر رونوشتی از مجموعه قوانین ایالات متحده آمریکا در خصوص درخواست علیه دولتهای خارجی تهیه شده است، را به پیوست ایفا می دارد.

سفارت بدینوسیله اشتهار می دارد که بموجب قوانین ایالات متحده آمریکا، هر گونه دفاع مربوط به قلمرو قضایی و اداری و یا دفاع دیگری، از جمله عنوان نمودن مصونیت دولت ها، باید در مقابل دادگاهی صورت گیرد که موضوع در آن مفتوح می باشد. از این رو مشورت با یک مشاور حقوقی در ایالات متحده آمریکا توصیه می گردد. وزارت امور خارجه ایالات متحده آمریکا آماده گفتگو با مشاور در مورد قوانین مربوطه میباشد. دولت ایالات متحده آمریکا از طرفین این پرونده نبوده و نماینده هیچ یک از طرفین نخواهد بود.

سفارت سوئیس، قسمت حافظ منافع خارجی، موقع را مغتنم شمرده مراتب احترامات فائقه خود نسبت به وزارت امور خارجه جمهوری اسلامی ایران را تجدید می نماید.



تهران - بتاريخ یکم مهر ماه ۱۴۰۳ (۲۲ سپتامبر ۲۰۲۴)

پیوست: ۱- احضاریه، شکایت، اطلاعیه برای انطباق با شکایت اصلاح شده تلفیقی سودان یا شکایت اصلاح شده اشتون سودان، اطلاعیه برای مطابقت با شکایت اصلاح شده تلفیقی، برگه جلد درخواست مدنی، نامه به دادگاه (پرونده الکترونیکی شماره ۵)، اظهارات پرونده های مرتبط و اطلاعیه اقامه دعوی
۲- ترجمه ها

اداره امور آمریکا
وزارت امور خارجه
جمهوری اسلامی ایران
تهران



United States Department of State

Washington, D.C. 20520

November 22, 2024

Ms. Angel D. Caesar
United States District Court
For the District of Columbia
333 Constitution Ave. N.W.
Washington, DC 20001

Re: *Patricia Fennelly, et al. v. Islamic Republic of Iran*, 1:23-cv-10824-UA

Dear Ms. Caesar:

I am writing regarding the Court's request for transmittal of a Summons, Complaint, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint, Notice to Conform to Consolidated Amended Complaint, Civil Cover Sheet, Letter to the Court (ECF #5), Related Case Statement, and Notice of Suit to the Islamic Republic of Iran pursuant to 28 U.S.C. Section 1608(a)(4) as a defendant in the above referenced lawsuit.

Because the United States does not maintain diplomatic relations with the Government of Iran, the Department of State is assisted by the Foreign Interests Section of the Embassy of Switzerland in Tehran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic note No. 1103-IE, dated September 22, 2024, and delivered on October 1, 2024. A certified copy of the diplomatic note is enclosed.¹

Sincerely,



Jared N. Hess
Attorney Adviser
Office of the Legal Adviser
L/CA/POG/GC

¹ Please note that performance by the Department of State of its statutory functions under 28 U.S.C. § 1608 should not be construed as an indication in any way of the United States' position or views on whether plaintiffs have properly complied with all statutory requirements of the FSIA, the status or character of a defendant, whether service was properly effected, or the merits of any claims or defenses. See <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/international-judicial-asst/Service-of-Process/Foreign-Sovereign-Immunities-Act.html>.

Cc: Jerry Goldman
ANDERSON KILL P.C.
1251 Avenue of the Americas
New York, NY 10020